

## Message Text

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46

ACTION EUR-12

INFO OCT-01 ISO-00 COA-01 DLOS-03 OES-03 IO-10 ACDA-05

AEC-05 CG-00 DOTE-00 INT-05 COME-00 AGR-05 EB-07

SAM-01 SAJ-01 CIAE-00 DODE-00 PM-03 H-01 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

FEAE-00 /102 W

----- 013522

R 131320Z FEB 75

FM AMEMBASSY THE HAGUE

TO SECSTATE WASHDC 5230

INFO AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY BONN

AMEMBASSY COPENHAGEN

AMEMBASSY HELSINKI

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY RYEKJAVIK

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

C O N F I D E N T I A L THE HAGUE 0737

E.O. 11652: GDS

TAGS: PFOR, NO, UR, SV, NL

SUBJECT: SVALBARD CONTINENTAL SHELF AND DELIMITATION OF BARENTS

SEA

REF: OSLO 0590

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1. FOLLOWING RECEIPT REFTEL, EMBASSY DISCUSSED INTERPRE-

TATION OF 1920 SPITZBERGEN TREATY AS IT CONCERNS RIGHT  
OF EXPLOITATION ON THE CONTINENTAL SHELF WITH MFA LEGAL  
ADVISOR RIPHAGEN.

2. RIPHAGEN OBSERVED THAT SINCE SEVERAL GOVERNMENTS  
HAD MADE THEIR VIEWS KNOWN REGARDING THE TREATY, GON  
WHICH IS ALSO A SIGNATORY FELT IT LIKEWISE SHOULD  
EXPRESS ITS VIEW WHICH IT DID IN COURSE RECENT GON-  
NORWEGIAN CONSULTATIONS.

3. RIPHAGEN SAID THERE ARE THREE POSSIBLE INTERPRETATIONS  
OF THE TREATY. ONE IS THE NORWEGIAN POSITION THAT THE  
TREATY GAVE RIGHTS TO OTHER PARTIES AND THOSE RIGHTS  
SHOULD BE INTERPRETED RESTRICTIVELY. ANOTHER IS THE  
POSITION TAKEN BY CERTAIN OTHER COUNTRIES THAT THE TREATY  
GAVE RIGHTS TO NORWAY AND THOSE RIGHTS SHOULD BE  
INTERPRETED RESTRICTIVELY. A THIRD POSITION, TAKEN BY  
DUTCH, IS THAT THE TREATY RECOGNIZED SPITZBERGEN AS  
BEING UNDER NORWEGIAN SOVEREIGNTY BUT NOT A PART OF  
NORWAY, AND THAT THE REGIME OF SPITZBERGEN SHOULD APPLY  
TO ITS CONTINENTAL SHELF. ACCORDING TO MEDIAN LINE  
PRINCIPLE, THAT SHELF EXTENDS HALFWAY TO NORWEGIAN COAST.  
THIS INTERPRETATION THUS DRAWS DISTINCTION BETWEEN  
CONTINENTAL SHELF OF SPITZBERGEN AND CONTINENTAL SHELF  
OF NORWAY. UNDER IT, SIGNATORIES TO TREATY WOULD BE  
ALLOWED TO EXPLOIT CONTINENTAL SHELF OF SPITZBERGEN  
REGIME.

4. RIPHAGEN EMPHASIZED THAT DUTCH POSITION IS ONLY  
A LEGAL OR THEORETICAL STANCE, SINCE NO COUNTRY AT THIS  
JUNCTURE IS ATTEMPTING TO EXPLOIT THE AREA INVOLVED.  
HE DID NOT KNOW IF THERE ARE OTHER NATIONS WHO SHARE  
DUTCH INTERPRETATION.

5. AS FOR POSSIBLE INTERPRETATION OF TREATY BY ICI,  
RIPHAGEN NOTED THAT TREATY CONTAINS NO CLAUSE COVERING  
ITS REFERRAL TO THE COURT AND SAID IT WAS NOT CLEAR HOW  
ANY DISPUTE REGARDING THE TREATY MIGHT BE HANDLED.  
GOULD

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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